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**NEW EVIDENCE TO SHOW
NOTES**

**WERE WRITTEN IN
BASEMENT**

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**DEFENSE OF
FRANK**

**HAS NEW
EVIDENCE**

TO CLEAR UP CASE

Form on Which Notes
Were

Written Was
Discarded Four

Years Before Mary
Phagan's

Murder in April, 1913

**EVERY TABLET
CARTED**

TO FACTORY BASEMENT

Luther Z. Rosser Issues
State-

ment Replying to
Protest of

Georgia Chamber of
Com-

merce Against His
Interview

An important point relating to the notes found by Mary Phagan's body and tending to show that they were written in the basement, instead of the office, as Conley contends has been worked out by persons interested in the defense of Leo M. Frank and will be used as a part of the basis for his extraordinary motion for a new trial.

The yellow order blank, on which one of the notes was written was used, it is said, in a transaction in September 1909, more than four years before the murder by an employee of the factory, whose office was entirely separate and distinct from Frank's office. This employee it is alleged, left the factory in December, 1912, and all of the debris and old papers from his office were carted to the basement of the factory, and left there.

The yellow sheet on which the order was written was torn from an order blank book; the main sheet on which the orders were written being white and the yellow second sheet being used as the carbon.

On the note in the Phagan case, dim marks from the carbon have often been noticed, and it was admitted that the sheet had been used before the murder note was written. Plainly near the top of the sheet was the number of the order, 1018, and nearer the center of the sheet what was obviously a signature.

BECKER'S SIGNATURE.

Lemmie Quinn, an employee of the factory, who figured as a witness in the Frank trial, claimed, according to Attorney H. A. Alexander, who made public the new evidence on Saturday evening, that the signature was that of H. F. Becker, formerly master mechanic, who left the factory in December, 1912.

A study of the signature has convinced Mr. Alexander and others, who have studied it, that Quinn was correct in stating that the signature was that of Becker.

On the order blank on which the note was written, in the printed space for the date, are the figures 190—. The blanks now in use bear the figures 191—, such blanks having been used since 1910.

Quinn's suggestion was turned over to Captain C. W. Burke, a detective in the employ of Luther Z. Rosser, senior counsel for Frank, and Burke, through a process of elimination, traced order No. 1018, signed by Becker, to the Cotton States Belting and

Supply company, which was recently destroyed by fire. While part of the records of the concern were saved, the original order on the carbon on which it is claimed the Phagan note was written, cannot be found. However, the invoice of the

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DEFENSE OF FRANK

HAS NEW EVIDENCE TO CLEAR UP CASE

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Cotton States Belting company on the pencil factory's order No. 1018 has been found. It bears the date of September 16, 1909, showing that the goods ordered on it were received at the factory on that date. The invoice was for two pieces of machine steel of a type used by Becker.

BLANKS CARRIED TO BASEMENT.

Mr. Alexander states that Becker's office was on the fourth floor of the factory and was conducted as a department entirely separate from Frank's department.

When Becker left the factory in December, 1912, according to Mr. Alexander, the old papers left in his office were carried down to the basement.

He points out that it is extremely improbable, in view of these circumstances, that such a blank could have been in Frank's office.

Conley testified that Frank reached over from his desk on the second floor and handed him the tablet on which he wrote the note. He described the paper as "green." The paper was there on his desk, Conley asserts, and he did not go out to get it.

"Nothing is more probable," says Mr. Alexander, "than that the paper was found in the basement, and it is highly improbable that it could have been in Frank's office."

Attorneys for Frank refuse to discuss the contemplated motion for a new trial, but when it is filed, it is practically certain to contain the newly-discovered point about the notes; the sensational statement of Dr. H. F. Harris, the state's expert, who says that in his opinion the hair found on the machine lathe on the second floor, could not be that of Mary Phagan, and the various new affidavits, which have been made public.

These affidavits come from Albert McKnight, colored, who declares that he perjured himself at the trial, giving evidence against Frank; from George W. Epps, Jr., the newsboy, who says that on the witness stand he swore to a story "Frame for him" by the detectives, and from Mrs. Ethel Harris Miller.

Mrs. Miller did not figure at the trial, but she states in an affidavit, that on the day of the murder she saw Frank at Whitehall and Alabama streets at 1:10 o'clock. She did not realize the importance of her testimony, she says, until she read in the

newspapers the solicitor general's attack upon the evidence of Miss Helen Kern, a young stenographer, who says she saw him at the same time and place.

The defense's extraordinary motion will not be filed, it is generally expected, for some weeks in order that William J. Burns, the detective, can be given a chance to develop still more new evidence in the case.

Rosser Makes Reply to State Chamber's Protest

Luther Z. Rosser, chief counsel for Leo M. Frank, returned to Atlanta from New York Saturday afternoon and issued a statement in reply to the card written by the Georgia chamber of commerce protesting against the interview given out in New York by Mr. Rosser.

Following is Mr. Rosser's statement:

The state chamber of commerce seems to resent a statement from me appearing in the New York Times.

That statement was certainly a conservative one. In detailing the circumstances militating against Frank, I said in substance that the fact that he was a Jew and an employer and a stranger were against him.

Is there a thoughtful, fair-minded man or woman in the city of Atlanta who doubts that statement?

Here is an unfortunate man, whose friends believe that he was denied a fair, impartial trial. In looking for the reason

they honestly think that it counted against him that he was a Jew, a Jew employer, and a stranger.

Is there anyone who will say that Frank, being a Jew, helped him? On the contrary, almost everyone knows that his being a Jew and a Jewish employer of little girls would have been against him in almost every community.

That statement was not a charge against the city; it was the statement of a deplorable condition which exists almost everywhere. To ignore it is to ignore everyday facts, recognized almost universally.

The Times' interview stated facts existing in Atlanta at the time of rank's trial. But it was not meant, nor said, that such conditions were peculiar in the south. They exist, in a greater or less degree, in every community. Often peculiar circumstances may, and do, bring them out to the regret of all conservative men and women.

Certainly, the fact that he was a stranger did him no good. During all ages the fact that a man is a stranger in a strange land has grown into a proverb of lament.

That it is unfortunate to be a stranger in times of distress and trial there will be few to deny. Nor is this peculiar to Atlanta or to the south. In no country can be fairly be said that a stranger is upon an equal footing with an old citizen.

The citizens of Atlanta cannot afford to be oversensitive as to the Frank trial. There were incidents in that trial that no man who loves the state and city can approve, no matter what he thinks of Frank.

The chamber of commerce can do the state of Georgia much good, but to be supersensitive about plain, potent facts will not help.

LUTHER Z. ROSSER.

*In the Shadow of
Death*

*Frank Pleads
Again for*

*A Fair and
Square Deal*

"I Am Not Pleading for
My

Life, but for a Fair
Trial,"

Declares Condemned
Man,

In Appeal to People
of At-

lanta – “Why Was
Damning

Formby Affidavit
Used on

Public and Not at
Trial?” he

Asks in Statement

Following the remarkable statement made by Leo M. Frank when he was resentenced Saturday morning by Judge Ben H. Hill to be hanged April 17, Frank’s thirtieth birthday, the prisoner

gave out a second statement Saturday afternoon in which he appeals to the people of Atlanta. He says he is not pleading for his life but “for a fair, square deal, with naught extenuated and naught set down in malice.”

The statement in full is as follows:

To the People of Atlanta:

I am condemned. The shadow of physical death does not dismay me. If such be my end, I shall go to it without fear and without qualm. I am a man born to face and endure that which the chance of fate may bring. If my attitude which I know, and which God knows, comes from the consciousness of innocence, is thought by the unfair and by the unthinking to be hardihood and brag, I cannot help it.

To those who would give a man a square deal, and to those who in their hearts with sympathy, repeat, “judge not, that ye be not judged,” but the simple, old, always true and immortal golden rule, “Do unto others as you would have others do unto you”—I say, that moral death is my terror. I have lived in the open. I have told the truth. I have taken my chances. I have made some success. I brought order out of some chaos. I had a good name. I persuaded a good woman to share my fate. I met daily those with whom I had societal relations, and without reproach. My schoolmates and college fellows say that I was decent, my business associates that I was honest.

SWEARS HE IS INNOCENT.

In the sight of God and in His name, by the honor which I hope will be restored to me, by everything which a man may hold sacred, I swear that I am innocent of the crime.

Am I asking commutation of sentence? I am not. Am I asking pardon for something that I did not do? I am not. Am I asking favorable interpretation of uncontroverted evidence? I am not.

I am asking at your hands that of which, in time, every person may stand in need—that which is square, is right, is necessary—that without which the dark ages would return and witchcraft again become a religion—a fair, square trial—with naught set down in malice, and to that I have a right.

Am I to be sacrificed to a political necessity? Am I to be a victim simply because some previously accused of crime have gone unpunished, and, therefore somebody must be convicted of something?

Is it not true that if I were guilty before and was properly proven so that it is easily possible by the same processes and by the same witnesses to prove it again? Is it not true that if I am not allowed to disclose to the world the dastardly conspiracy which has enmeshed me and am therefore hanged, then when truth outs, as truth has always done, every man, be he high or low, will stand in danger of that law which visits the sins of the father upon the children?

People, can you afford to take this responsibility—you who can render a reason for what you do? Are you not giving yourselves a chance when you give me a chance?

The Formby woman has repudiated her affidavit—that document which damned me irretrievably in the eyes of the public. This denial exists. This denial is true in spite of excuses and quibbling. Why was that first terrible affidavit used on the public, but not used on the trial? Why was it permitted to be circulated to affect public opinion and to do its dirty work, without compelling those responsible for obtaining it to come out in the open and vouch for it? I know, and

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you know, it was because it was feared that it would then and there be repudiated as it has now been. Is any other reason possible in the light of the recent revelations?

Why is Conley kept concealed from every person desirous of learning the truth? Why now, when he has had a sentence to punish that which he admits, is a new trial appealed for? Simply to keep him out of sight of anyone but those who trained him until after I am dead. That is why, and you who read this know it.

I believe that I am entitled to a new trial, a fair trial. Let those who have the right to pass on it know that I should have one, and I believe that I will get it. I am not pleading for my life. I am asking for a fair, square deal, with naught extenuated and naught set down in malice.
